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The

HISTORY OF SIKH PEOPLE

(ORIGINAL DOCUMENTS SERIES)

Brochure No. 1 of 1924 Documents Relating to
Arrest and Conviction of Sixty-Two Members
of the Shiromani Gurdwara Prabandhak
Committee on 7th January, 1924

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10.1.12 Research Project on Sikhism

16. Chandigarh

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M. A.

Foreword by

S. HUKAM SINGH

Ex. Speaker Lok Sabha

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NEW DELHI-110027.

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With best regards
presented to
Dr. Sardar Harwan Singh of Sahi
Shan

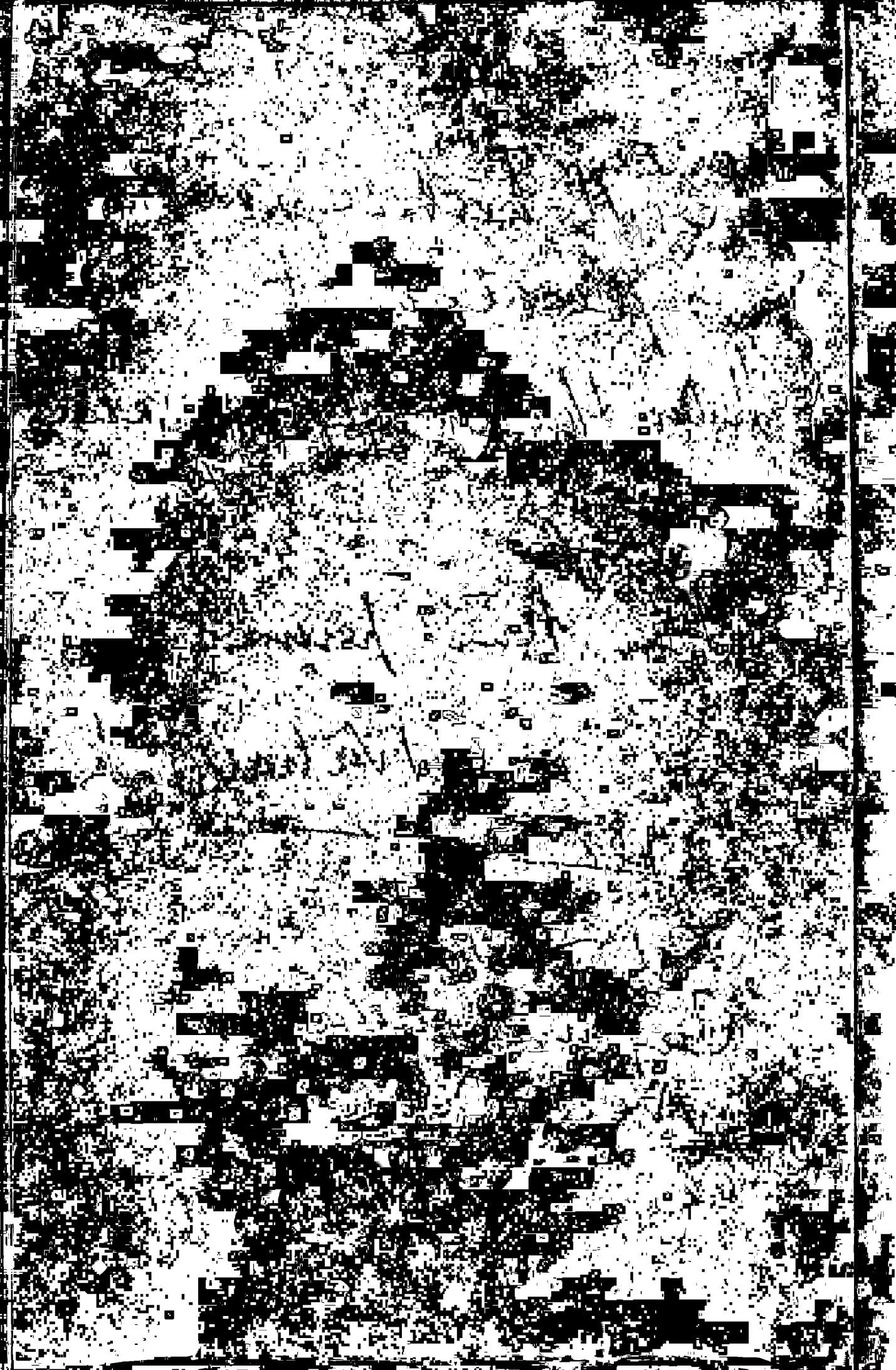
for
his kind personal.

26²
1987.

Nahar Singh

J-189 A.
Rajani Gauri
New Delhi.

(166)



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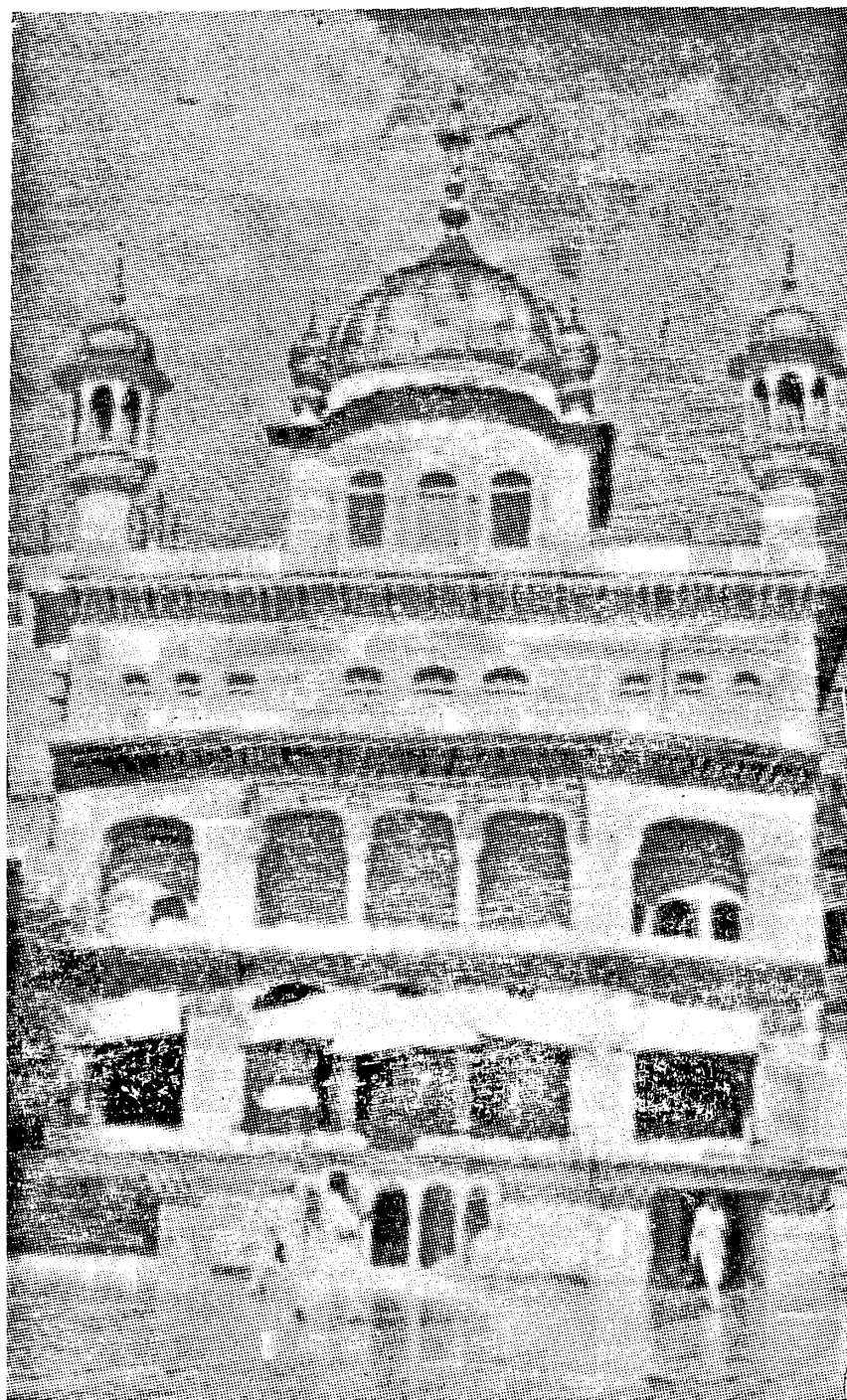
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Shri Akal Takhat Sahib, Amritsar where the Historic
Meeting of S.G.P. Committee was held on
7th January, 1924.



Sardar Hukam Singh, Ex-Speaker of Lok Sabha and Ex-Governor, Rajasthan, who was one of those arrested and convicted for participation in the historic S.G.P. Committee meeting held on the 7th January, 1924 at Akal Takhat, Amritsar

FOREWORD

Bhai Nahar Singh is a research scholar of repute with many distinctions. In his pursuit to unearth the not-so-far known facts, he has dug up from the national archives certain original documents that throw fresh light on the thinking and approaches of the then administrators, the policies pursued by them, and the sufferings borne by the victims.

In the present brochure, Bhai Nahar Singh has compiled together certain papers and correspondence related to the struggle by Sikhs for the reform in management and control of their religious shrines. 1920 to 1925 is a period full of events, with which the history of most brutal repression by the rulers, and the extraordinarily patient sufferings by Sikh crusaders was repeated. The world felt amazed at the reports in the Press. Not a few from long distances felt compelled to go to the places to witness for themselves, before they could believe, what was being reported.

This struggle ultimately resulted in

- (a) the enactment of a legislation (Act VIII of 1925) by which a machinery was devised to transfer the possession, control, management and administration of 'Sikh' shrines to a representative body of the Sikhs, elected on adult franchise ; men as well as women ;
- (b) damaging the prestige of the British Government who had all along supported the Mahants, and adopted ruthless measures to maintain the status quo ;

- (c) giving a strong fillip to the sagging national movement of non-cooperation and peaceful resistance of the Congress for emancipation of the country from the slavery of the British rule ;
- (d) demonstrating that passive resistance could only be successful when practised by brave and determined people ;
- (e) restoring confidence among the Sikhs, and credibility among others, about the Sikhs having cheerfully suffered the brutalities of the tyrannical atrocities of the rulers as recited in their daily prayers.

But simultaneously with the passing of the Act, there was a split in the leadership which later permeated into the masses. Corruption and factionalism are the sine quo non of a democracy, and these could not be kept out even though, in this case, the adult franchise was applied to the administration of religious shrines.

Bhai Nahar Singh has made a separate treatise in respect of the arrest of second batch of the Akali leaders, who had assembled at the Akal Takhat on January 7, 1924 in a meeting of the resurrected SGPC, the first batch of top leaders had been rounded up earlier and were tried by a Special Magistrate, Mr. Henderson, first in Amritsar, and later in the Red Fort of Lahore.

I was one of the 62 in the Second Batch and probably on that account Bhai Nahar Singh has asked to write a foreword to this brochure. It is very commendable that this whole project is being executed under the patronage of the Trust sponsored by Hindustan Refrigeration Stores, which was founded by the late Bhagat Jaswant Singh, who made very significant contribution during the Gurdwara Reform Movement, when he worked as Secretary of SGPC.

When the first batch of prominent leaders had been arrested and were being tried for offences under 120-B, 121, 124, 153 etc. for conspiracy to wage war, create disaffection, promote enmity between two classes of citizens and incite sedition, the enthusiasm for making sacrifices was accelerating. The Government found the publicity machinery of the Akalis much too superior to its own. The arrests had not made the least differences. Instructions were being passed on regularly from inside the Sub Jail. S. Mangal Singh, a domestic and loyal servant of S. Mehtab Singh, would reach the Jail about midnight, draft instructions for future work and publicity would be exchanged for the previous day's report of the happenings through a warden on duty through sewage outlet in the boundary wall.

The Government had declared both Shiromani Akali Dal and Shiromani Gurdwara Parbandhak Committee as unlawful associations, and banned all activities on October 12, 1923. After the arrest of leaders the vacancies had been filled up to complete the strength of SGPC. A meeting was convened for January 7, 1924. I recollect S. Ajit Singh, one of my colleagues in the Montgomery Bar, a noted loyalist and an influential man among Government circles, informed me, two days earlier, that the Government was determined to arrest all members, who participated in the meeting of January 7, and advised me to abstain from attending it. Despite this warning I reached Amritsar in the morning.

We assembled at the upper floor of the Akal Takhat at 1.30 p.m. Every one of us knew that the police was preparing to make a raid. We had just started our business on the agenda when a large contingent of police arrived through a side lane, which opened in the Parkarma, nearest to the Akal Takht. The Superintendent, Mr. Jeffrey, led the

raid, and was so impatient to give us surprise that he hurried past the inlet to Akal Takht. When pointed out the omission by his subordinates, he returned in confusion. But meanwhile about half a dozen volunteers had blocked the entry. Mr. Jeffrey struggled to jump over, but was thrown back. In a couple of minutes about a hundred volunteers from the adjacent Bungas rushed to the spot. In the determined bid of the police to reach the place of meeting, and the volunteers' equally determined resolve not to allow the police to enter, there was scuffle, causing injuries to some on both sides. The shorts of Mr. Jeffrey was torn. He was furious, but soon found that he could not succeed without resorting to shooting, which might have resulted in deaths of hundreds. So the attempt was given up, and the officers had hurried consultations. Incidentally Bhai Jodh Singh arrived on the scene. Jodh Singh volunteered to offer his services. He advised the police to give him the list of wanted members, which he would take to the meeting place, and the wanted members, he assured would surrender voluntarily.

While this proposal was being discussed below, our Secretaries sorted out the papers and files, destroyed some, we desired to avoid falling into the hands of police for custody.

Bhai Jodh Singh arrived in our room. He announced that he would call each name from the list, and any one who responded to his call, would be marked as present, and all others would be deemed as absent.

Some were not prepared to court arrest, so they remained silent when their names were called. A few were sent away to stay behind and continue the work. There was a passage from behind leading to a priest's residence, so escape was quite easy.

Sixtytwo of us answered to the Roll Call and promised to surrender after some time. Bhai Jodh Singh went down to hand over the marked names back to the police. The police waited for our arrival. But we completed the business on the agenda with ease and equanimity.

After comfortably finishing our work we came down, at about 6 P.M. The police had been withdrawn to the side street. But the crowds in the open space between the Akal Takht and the Darshani Deorhi had swollen to several thousands.

The police found it impossible to take us into custody, and asked us to reach the clock tower (it existed then). All 62 of us, cordoned by the crowds, went into the Harmandir Sahib, paid our homage, and then walked to the platform, where clock tower stood. Meanwhile that place was overflowing beyond capacity. Here also the police expressed its inability to apprehend us, and wanted us to reach Kotwali, a kilometre distance away. We marched in procession to the Kotwali, and entered the lock up voluntarily, one after another, as the main gate was not opened but only the smaller opening in it, which could provide only one person to pass through it at one time. We were transported to the Sub Jail later.

During the trial before S. Hardial Singh, Magistrate, 1st Class, the witnesses were cross-examined by S. Raja Singh, an eminent Advocate of Peshawar, who later was appointed a judge of Patiala High Court. No accused pleaded guilty or not guilty. There was no defence produced, nor any statement given. The trial took three months.

I remember the funny manner in which the sentence was pronounced. After putting his hand

into his coat pocket and drawing it out blank, the magistrate spoke with a flourish :

“I have left my glasses at home, and therefore cannot read the judgement. But all the charges stand proved beyond doubt and there are no extenuating circumstances. Then the sentences were pronounced. To most it was two years R.I. and a fine of Rs. 500 in default of payment of which three months further R.I. was awarded.”

The next day the batch was divided into two groups, 16 of us had been given ‘B’ (Better) class, and were booked to Mianwali Jail, the rest sent to other Punjab Jails.

On admission into the Mianwali Jail, we were delighted to see Baba Gurdit Singh of Koma Gate Maru fame, Khan Abdul Ghafar Khan, the Frontier Gandhi, S. Sardul Singh Caveesar, successor to Subhash Chander Bose as President of his Party, two reputed Maulanas from Karnal, and other Congress Leaders in the same enclosure for ‘B’ Class prisoners.

Mianwali was a very hot and dry place. Strong winds raised dust storms that would incessantly continue from 12 to 30 or even 48 hours. Wind mills worked very well to draw abundant water from great depths. Even the Jail-supply was dependent on a Wind Mill.

The ‘B’ Class prisoners got the same ration as other criminals, but this could be supplemented by rations bought at the former’s own expense. Another facility allowed was that a ‘B’ class prisoner could sleep outside his cell in the open under the sky during summer. But the open compound got

so heated up during the day that one had to toss from one side to the other during the whole night. That want of sleep had to be made up during the day inside the cell, which had mud walls. During the night sleeping inside was tormenting. The insects (tiddies) would scratch out skin from your exposed heels.

Otherwise life was not so bad in Mianwali. The ordinary convicts were very helpful. The sweeper class prisoners brought us our dak and copies of newspapers hidden in their pans used for carrying excreta outside. Even the Jailor and his staff overlooked these sins. But the Jailor was careful enough to make a search after about a fortnight to seize some papers and then give the report to the Press about his successful raid. After our arrival in Mianwali the Superintendent of Jail came to our ward. I enquired from him whether one post card every month would mean calendar month or thirty days. He enquired from me what difference would his answer make to me. That day was 31st March. In case of first, I said, I could get post card that day, and an other on April 1, the next day. He realised the difference, and told me that I must be a lawyer.

The non-cooperation movement had irked the Britishers very much. A few days later Sir John Maynard, the Home Secretary, and a very brilliant Civilian Officer came to visit the Jail. I was deputed by my comrades to engage him in conversation over Gurdwara Reforms Movement. I greeted him and began to argue with him. He was in a hurry and after 3 or 4 minutes tried to walk away. Other prisoners had collected round me. They clapped and shouted : "The British defeated". He turned back from four or five paces, that he had gone, in the meanwhile, and had a witty retort. "Yes, the British are defeated, but not by non-cooperation."

What a splendid humour ? We all laughed and he went away.

S. Raja Singh, S. Jagat Singh Narang and S. Mehtab Singh, filed an appeal against their conviction by S. Hardial Singh, from inside the Jail. The appeal was accepted and they were released. It was one judgement convicting us all. But the Government did not move to release the others and stuck to the view, that only those who had lodged the appeal were entitled to the benefit.

After prolonged negotiations the Punjab Gurdwaras Act 1925 was passed. It is a truth that elections are necessarily accompanied by corruption and factionalism. But in this case the mere passing of the legislation providing for elections caused a split. The Government directed the Jail authorities to release only those who gave an undertaking that they would work the act of 1925. S. Mehtab Singh, Bawa Harkishan Singh, Professor Teja Singh and some others, including myself, pleaded that enormous sacrifices had been made to secure the management and control of gurdwaras and if we did not give our willingness to work it, then the Government might revise it and all our efforts would go waste. Those of this view gave the undertaking, and came out of jails. But Master Tara Singh and others contended that the Government had deliberately laid down this condition to humiliate and demoralise us, and therefore it should never be submitted to. Master Tara Singh asserted that if the condition was that one who promised to recite Jap Ji every morning for three months, could be released, he would not agree to that even. He had a point also.

So there was a split. The twenty who came out began to implement, and others who remained behind began to malign the formers as traitors to Panth. Afters some months most of the other were also released. This strategy of the Government

succeeded in raising bitter and acrimonious controversy. Each group ran down the other by abuses and unsavoury epithets. Then some well wishers of the Panthic Unity were agreed to as arbitrators by both the parties. They exonerated the first group, and justified their decision to work the law in the Panthic interest.

The detractors had to express regrets. Then in turn the Mehtab Singh group was also advised to apologise to the Master Group for their indiscretions. Though the indecent propaganda stopped, there was no change in hearts.

In the Gurdwara Elections during 1926, Master Tara Singh (The Akali Party) triumphed and got control and management. Though Baba Kharak was one of those released last in 1927, he could not attain those heights of popularity that, he enjoyed before the incarceration. Master Tara Singh held the field, and had newspapers of the party to criticise Baba Ji and others.

Thus ended the most heroic and historical struggle against the mighty British Government.

6 A, Ring Road
Lajpat Nagar, New Delhi

Sd./—Hukam Singh
30-5-1981.

EDITOR'S NOTE

My main object in undertaking the task of publishing series of pamphlets on the popular anti-British rule, Religio-political Akali Movement (1920-27) in the history of India, under the British Rule, is to put before the general readers, research scholars and writers of political and social history of the period, a portion of the original source-material for their perusal and use. This pamphlet describes one of the major events of the Akali Movement during the year 1924. The Shiromani Gurdwara Parbandhak Committee and the Akali Dal were declared unlawful bodies by the Government on 12th October, 1923. On the 13th and 14th October, first batch of 60 members of the Committee was arrested under section 121, 124 and other sections of the Indian Penal Code. Late S.B. Mehtab Singh Bar-at-law, Ex-M.L.C. Punjab was leader of this batch.

On the 17th October a new Executive Committee was formed from amongst the members of Committee, and the agitational and organisational work continued more zealously and on a large scale. Sixty two members of the S.G.P.C., held a meeting on the Akal Takhat on 7th January, 1924. The most important resolution passed in this meeting was in regard to the sending of a Shahidi Jatha of 500 Sikhs to Jaito in Nabha State territory for completion of the recitation of their sacred scripture which was forcibly stopped on 25th August, 1923 by the orders of the British administrator of the state.

It was simply a matter of freedom of practising one's religion and worship.

Although the members were arrested on the same day, but a Jatha or batch of 500 Akali Sikhs started for Jaito on 9th February, 1924. The Jatha reached Jaito on 21st February. The Nabha Government at that time was under a British administrator, Mr. William Johnston. Maharaja Ripudaman Singh was forced to abdicate in July, 1923 as a result of Nabha—Patiala case. The Jatha accompanied by a large number of Sikh spectators was stopped from functioning and carrying out its religious task with the help of military force, by an order of the Administrator. The use of machine guns on the non-violent members of the Jatha was made. It is fairly estimated that about 80 persons died on the spot and nearly 150 were wounded. The members of the Jatha as well as several other Sikhs were arrested and confined in a Special Camp Jail at Nabha. On 28th February another Jatha of 500 Akali Sikhs was organised and started from Akal Takhat Amritsar for Jaito. The Jatha was arrested and confined in Nabha Jail. Several Jathas were sent afterwards. The Jaito affair prisoners were released after the passing of the Gurdwara Act in July 1925 unconditionally.

A very capable, shrewed and learned senior British officer, in one of his notes calls this movement as "SUI GENERIES" or "only one of its own kind". Primarily it was a Reform Movement nature in nature and scope. Its aims and objects were the restitution or the restoration of Sikh places of worship from the hereditary occupants of Udasi Sadhs, Sodhies and Pujaries, who were originally the servants of these shrines but were made their masters by the British Government as such. After the annexation of the truncated sikh empire in 1849 to the territories of the British Indian possession, the

British officers controlled the management of the Darbar Sahib Amritsar and Gurdwaras attached to it through a Sarbrah appointed by the Government.

The British government did not want to loosen its control over these religious institutions. Logically a clash was inevitable and so it occurred and continued for 7 years till the passing of the Gurdwara Act in 1925 and finally till the release of Sardar Kharak Singh of Sialkot, the President of the Shiromani Gurdwara Parbandhak Committee in March, 1927.

By this Act nearly 250 Gurdwaras in the Punjab Province came directly under the S.G.P.C. The Mahants of the Delhi Territory Historic Gurdwaras had compromised with the S.G.P.C. Amritsar in the early days of the Movement and handed over their control to the S.G.P.C. Amritsar.

It is unfortunate that an authoritative and comprehensive history of the movement has not been written describing all its aspects—religious, political, social, moral and material. The general effect of this movement on the Indian liberation struggle or freedom movement had been tremendous and far reaching.

This pamphlet relates to the arrest of 62 members of the SGPC on 7th January, 1924 and their trial, Home Files No. 1/1/1924 and 1/IV/1924 Home Department Political, National Archives of India. Fortunately Sardar Hukam Singh ji was one of the convicts. His learned foreword is in my humble opinion a very valuable historic document regarding the movement. I heartily thank the venerable gentleman for this. As President of the Kendri Singh Sabha he has been rendering invaluable service to the Sikhs. Clear vision, right understanding, correct appraisal, rational approach and perfect analysis to knotty problems are his rare

qualities of head and heart. His charming personality, unassuming manners and limitless capacity for public service do inspire many to follow in his footsteps.

I acknowledge the debt of gratitude, Sardar Mehtab Singh Bhagat, M.A. has put me under by rendering me all kinds of assistance and help moral and material in my task of collecting the source material of Sikh history for the last 14 years. His noble father late Bhagat Jaswant Singh had in 1967-68 asked me to undertake the work of writing a comprehensive history of the Akali Movement. I have had an opportunity of staying with him at Ambala for 2 days during one of my tours in search of historical material.

I am very much obliged and grateful to the authorities of the National Archives of India, the members of the staff, junior and senior, who have given me great help and assistance ungrudgingly throughout the last 18 years or since I have been regularly visiting that vast ocean of information and knowledge in the shape of files, printed reports and books.

At the end I must thank Dr. K.R. Gupta, M.A., Ph.D. for his invaluable advice and help in having this pamphlet published.

Dated : 1st January, 1982 Bhai Nahar Singh, M.A.
J-189-A, Rajouri Garden,
New Delhi

N.B. I feel sorry and really ashamed for not giving even short biographical notes of those devout sikhs who underwent the full period of their imprisonment in jail and also had to pay fines. I wish some enthusiastic young Sikh scholar takes up

the work of compiling short biographical notes with the help of official Akali Directory. A copy of this Directory may be found in the Home Deptt. of the Government of India or in the India Office Library, London.

Bhai Nahar Singh

Document No. 1

Subject :—Arrests at the Akal Takhat, under the criminal law amendment act 1908, of Members of the Shiromani Gurdwara Parbandhak Committee.

Telegram dated 7th January, 1924.
Lahore, 7-1953 State, Home Delhi.

Clear the line (Telegram).

Meeting of General Committee of Parbandhak Committee having advertised to be held at Akal Takhat, Amritsar.

Instructions were issued by local Government for arrest of all members attending meeting, stop. Police, encountered resistance, but eventually members totalling sixty one surrendered to District Magistrate stop. All quiet at nineteen hours Punjab.

D 1(A) Note :

From Punjab 6/7/1/1924

For information we may await for the development before reporting the matter, if considered necessary to the Secy. of State.

(Sd.) Illegible

7-1-24

H.M.

J. Crerar

8/1

I Informed H.E. last night.

Sd. Illegible 8/1.

P.S.V. (Private Secretary to the Viceroy).

Document No. 2

Confidential, Punjab Civil Secretariat

No. 8563. D. Lahore 8th January, 1924.

My dear Crerar,

In continuation of my prepage 'Clear the line' Telegram of last night, I am desired to forward for the information of the Government of India of the following account of the arrests effected at Amritsar yesterday. This account is based mainly on statements made by the Deputy Inspector General of Police C.I.D. who was present at the spot and on telephone message from the Distt. Magistrate. Written report has not yet been received.

2. A meeting of the General Committee of the Shiromani Gurdwara Parbandhak Committee to be held at the 'Akal Takhat' on 7th January was announced in the elusive Sikh press a few days ago and the announcement was confirmed by reports received from our own intelligence system. As this was the first Public Meeting of the Committee since its proclamation as an unlawful association, the Governor General in Council decided in view of the increasingly aggressive attitude assumed by Akalis during the last fortnight as described in my last fortnightly report, that the arrest of all members attending the meeting might have a good effect. The Deputy Commissioner, Amritsar who was consulted, agreed in this view and expressed the opinion that arrest would be effected without difficulty. He declined an offer of troops but asked for some additional Police, who arrived at Amritsar

on the same early morning of the 7th. He was instructed that in view of the great sanctity with which the "Akal Takhat" is regarded by all Sikhs, the Police should remove their shoes before entering it, but that this precaution could be disregarded in the event of any emergency that might arise owing to opposition being offered.

(3) The Supdt. of Police accompanied by a body of about 100 officers and men should enter by a back entrance through the 'Thara Sahib' Shrine between 1 and 2 P.M., the meeting having been advertised for 1 P.M.

It was thought that a surprise entrance should be more easily effected by the route chosen thereby approaching the main entrance of the Akal Takhat, which would have necessitated the Police passing round a part of the Parkarma and through the main courtyard in front of the 'Darshani Deorhi' of the Golden Temple. At the exit of the Thara Sahib Shrine, which is only a few yards from the back of the entrance of Akal Takhat, the Police stopped to take off their boots and shoes and this delay unfortunately permitted a large body of Akali Sevadars to assemble at the entrance of the Akal Takhat. The Police at first forced a way through these Akalis, but found the door of the Room where the meeting was being held barred. Had they remained, where they were, their position inside the Shrine would have been precarious and they returned to the entrance. The Supdt. of Police sent a message to the District Magistrate who was at the Town Hall with the Deputy Inspector General of Police explaining his difficulty. In the course of the proceedings the Akalis who were gathering in large numbers in the Temple and whose demeanour was truculent in the extreme, subjected the Police to a certain amount of hustling. The Superintendent Police had the

shoulder strap of his tunic torn and the button broken away. An English Inspector of Police sustained a slight injury to one hand and the Additional District Magistrate, who was with the Police Force had his watch chain broken. No one was however seriously injured.

(4) The District Magistrate on receiving the Superintendent Police's message immediately went to the spot and after considering the situation deliberately decided that a forcible entry could only be effected at the cost of much bloodshed and that the circumstances are such as not to justify that course. He accordingly summoned to his side Prof. Jodh Singh, a Sikh member of the local Legislative Council who was in the crowd, and through him sent a message to the Committee who were assembled in the upper storey of the Akal Takhat stating that he demanded surrender of all persons present at the Committee, whose names were entered in a list of members in his (District Magistrate) possession. Jodh Singh took the message. A long delay ensued, during which a Dewan was held in the open space at the back of the Akal Takhat into which the passage in which the police were standing leads. At this Dewan highly inflammatory speeches were delivered, a number of songs were sung and generally the attitude of the large crowd of Akalis that had gathered was extremely defiant. Eventually 62 persons whose names were in the list handed to Jodh Singh gave themselves up to the Police at the Clock Tower,* an entrance to the Golden Temple. After having been garlanded at the Akal Takhat and after having walked in procession round the Parkarma of the Sacred Tank, they were then taken to the Kotwali where they arrived at 6 P.M. Thence, after their names had

*Now there is no clock tower. It was demolished and a new building was erected in its place.

been checked they were despatched in motor vans to the local jail.

(5) The District Magistrate has been given discretion not to take proceedings against men of no importance among those arrested. The others will be proceeded against either, under section 17(1) or 17(2) of the Criminal Law Amendment Act, and it is expected that their trial will begin tomorrow. The arrested persons include members of the Committee from all parts of the Province, but no local, Amritsar man. The local men appeared to have effected their escape directly when the news of the arrival of the Police reached there.

(6) It is somewhat unfortunate that the local officers should have underestimated the amount of opposition likely to be encountered, but it must be remembered that the Akalis have an extraordinary good intelligence system and though the plan of the arrests was only known to a very few officers, it is possible that the Akalis had some inkling of what was likely to occur as this occasion the first public meeting of the Shiromani Gurdwara Parbandhak Committee after the Proclamation.

It is, of course, impossible to move a large force of Police about the city without attracting attention. That although the arrests were effected by means of voluntary surrender and not by show of a force, it appears probable, that they will have a good effect on the general situation, though it is at present impossible to assess this definitely. The District Magistrate reported this morning, that all was quiet in the city and that no demonstrations had taken place.

Yours sincerely,
(Sd.) H.D. Craik

To

The Honorable, Mr. J. Crerar, C.S.I., C.I.E.,
I.C.S., Secy. to the Govt. of India, Home Deptt.,
New Delhi.

Document No. 3

Amritsar,
8th January, 1924

My Dear Craik,

I have already informed you by Telephone of the main facts of arrests yesterday. The following is the full report.

We were informed that the meeting would begin about 1-30 P.M. At 2-15 Jaffreys, after posting detachments at the Clock Tower and the Jhutha bazar entrances of the Golden Temple entered by the Thara Sahib entrance about 100 yds. from the Akal Takhat with about 100 constables, out of whom 20 had Muskets, and the rest Lathis. While this force was removing shoes, the way was barred by 8 or 10 Akalis. They were pushed aside and the Police reached the arched entrance to the Akal Takhat at the bottom of the second flight of steps by which entrance to the precincts is effected. Jeffreys entered the archway, and was forcibly expelled. A scuffle ensued and in the meanwhile a column of Akalis appeared from the far off side of the Akal Takhat, and attempted to expel the Police. A struggle went on for about a quarter of an hour. No blows were struck, but short of that every violence was used and Jeffreys and the Police were roughly handled. They were engulfed in a sea of Akalis. It was obviously impossible without blood-shed to effect the direct arrest of the Committee. S. Nirmal Singh and Bhai Fateh Singh members of the Committee came out and

succeeded in pacifying the crowd and asked Jeffreys to withdraw altogether. This he refused to do and formed up his force at the bottom of the steps about 50 yards from the Akal Takhat.

This was the position when Cocks and I arrived at about 3 P.M. We were in possession of the narrow approach to the Akal Takhat, but round and in front of the Akal Takhat was a crowd of 2000 or 3000 of whom perhaps 600 were Akalis. It was impossible, I consider, to effect any arrests without the use of Military Force. I got hold of S. Jodh Singh, M.L.C. and sent him up to the Committee which was meeting in the upper storey of the 'Akal Takhat', with the message that I had come to arrest all members present; if they did not surrender themselves, I should withdraw the Police, and report to the government that a state of open defiance of the law existed. They considered this message for some time and then S. Jodh Singh returned and said that they were ready to give themselves up once they know whom I wanted.

Eventually I sent him (S. Jodh Singh) in with a complete list of the members of the S.G.P.C. and he called the roll, and those who were there answered their names. There was of course a lot of delay and palavering but by 5.15 P.M. as it was getting dark and I did not wish to keep the Police in the Temple after dark, I withdrew, leaving a Magistrate and a Guard at the Clock Tower. About 5.30 P.M. 61 members of the S.G.P.C. after having been garlanded and having visited the Darbar Sahib, came out and gave themselves up to the Asstt. District Magistrate. Jeffreys is sending a list of them to Cocks. They were all members of the Old Committee and include some active members. Unfortunately we have not secured the men who have been directing affairs here : Amar Singh Jhabal, Ranjit Singh Tajwar, Khazan Singh, Waryam

Singh, Secy. Local Committee and Arjun Singh, S. Mehtab Singh's nephew. These were either absent or slipped away at once.

Our first object to make the arrests ourselves failed. Jeffreys and I miscalculated here. We only anticipated formal opposition as a protest, coupled perhaps with an attempt to involve Police in charge of sacrilege by putting sacred objects in their way. We also underestimated the importance (this is probably, better word than sanctity) attached to 'Akal Takhat'.

It was probably thought by the Akalis in the precincts that the Police had come to take possession of it. I have quite certain information, that as soon as the Police appeared orders were issued that every means were, to be used to prevent them from reaching the 'Akal Takhat'.

The raid was certainly anticipated and anticipation must have become certainty when the news of the Police concentration got about. But absolute surprise was out of question. I think after what I saw yesterday, that arrests could only be effected in the 'Akal Takhat' and the prisoners got away by a very large force prepared to stick at nothing to avoid bloodshed. I did not consider that my orders yesterday, warranted me to take steps which would have such serious and far reaching results.

Our second object to make a demonstration and arrest as many members of the S.G.P.C. as possible has been attained. I am inclined to think that although yesterday was a victory for the Akalis at the 'Akal Takhat' in that they prevented the forces of the Government from accomplishing their purpose, the demonstration that Government is prepared to send Police into the 'Golden Temple' to arrest men will have an excellent general effect in

heartening its supporters. There is no doubt that if we had merely stood outside the precincts and invited them to give themselves up, we should not have got half the members. I am told, that it is said, that never before has a force of Police gone up to the 'Akal Takhat'. It may be resented as an outrage, but the effect remains. In conclusion I should like to say, that the behaviour of all ranks of Police and the Magistrates who accompanied them was admirable. I enclose a copy of your letter to me of the 6th instant.

Yours sincerely,
(Sd.) P.F. Puckle

H.D. Craik, esq, C.S.I., I.C.S.,
Chief Secy. to Punjab Govt., Lahore.

Document No. 3(A)

**TELEGRAM FROM JATHEDAR UDHAM
SINGH OF 'AKAL TAKHAT'**

AMRITSAR. DATED 8TH JAN., 1924.

17—15 HOURS

To

PS. V. DELHI

TWO ADDRESSES

Recd here at Delhi 22.56 hours

Indignantly condemn unprecedented desecration perpetrated yesterday 7th January (1924) by Police Officials with strong force in uniform who penetrated in Sri 'AKAL TAKHAT' the Highest Seat of Sikh Religious Authority and attempted to mount the Sacred Steps. All this was done ostensibly to go to and arrest members of Shiromani Committee who had already explicitly offered themselves to surrender wherever wanted and insert. Sikh community holds Government responsible for consequences of such a wanton sacrilege.

UDHAM SINGH
JATHEDAR AKAL TAKHAT

Document No. 4

Arrests at Akal Takhat
Punjab Civil Secretariat
Lahore 9th January, 1924

My Dear Crerar,

In continuation of my No. 8563 (prepage) S.B. of yesterday I am desired to forward for the information of the Govt. of India, a copy of a letter of 8th January from the Dy. Commissioner of Amritsar, describing the arrests made on the 7th January.

1. A telephone message received from the D.C. this morning states that the city was quiet and that among the city people generally there was no sympathy with Akalis. A procession was held yesterday but it excited little interest. The senior council for the crown in the Akali leaders trial stated that the demeanour of the accused in the Court yesterday indicated that they were greatly depressed.

2. The Deputy Commissioner has informed me that he has information that attempts will be made to represent the event of 7th of January as an unprecedented act of sacrilege and to impress this point of view on Sikh soldiers. I am to suggest that Commanding Officers of Sikh Units should

be warned to be on the look out for such a propaganda. This Government is preparing a very brief statement of the facts for circulation to Officers of such Units and will have it translated into Gurmukhi.

Yours sincerely,
H.D. Craik

Hon. Mr. J. D. Crerar, C.S.I., C.I.E.,
Secretary to Govt. of India, Home Deptt.

Document No. 5

FOR INFORMATION

H.E. the Viceroy has seen the P.U.C.I. P.U.C. III. Confirms Mr. Craik. Copies of these may be sent to the Army Department. Issue at once.

(Sd.) J. Crerar
10/1

Issued 10.1.24

Issued at next. H.M.

P.S.V. (Pol. C. II & III)

The situation was a difficult one but the D.M. avoided bloodshed and secured the greater part of his prisoners as far as our present information goes. Therefore he acted with discretion and not without success.

Sd./- (Illegible)
10/1

Home Deptt.

P.S. V.O. No. 29 D 12.1.24 His Exc has seen

Sd./-E.D. Montmorancy
12/1

Returned

14/1

The recent 'Akal Takhat' events should be reported briefly to Secretary of State by Telegram.

File with H.M.

J. Crerar—11/1

Back from P.S.V.

14/1

Document No. 6

PUNJAB GOVERNMENT SECRETARIAT

No. 8563 S.B.

Dated Lahore 12th Jany., 1924

My dear Crerar,

(1) In continuation of the last Paragraph of my Demi Official letter dated 9th January, 1924, I am desirous to enclose a copy of the events of 7th January at Amritsar, which is now being translated into Gurmukhi and printed for circulation to the Commanding Officers of the Sikh Units.

(2) As it would be difficult for the Punjab Government to arrange for distribution of the statement direct to the individual units, it is proposed to send the copies when ready to the Army Headquarters for distribution. The number required for each unit will presumably not be very large, and it is thought that 200 copies in English and 200 in Gurmukhi will probably suffice.

(3) I am to suggest that Commanding Officers who release copies of the statement may be advised only to make use of it, if their men show signs of uneasiness about the occurrence, which it describes.

Yours sincerely,

(Sd.) H.D. Craik

To the Hon. Mr. J. Crerar, C.S.I., C.I.E., Secy.
to the Government of India, Home Department, Delhi.

Document No. 6(A)

Copy of a Statement of the Events of the 7th
January at Amritsar.

On the 7th January 1924, the Superintendent of Police, Amritsar, acting under the orders of the Punjab Government, entered the premises of Darbar Sahib at Amritsar, with a force of Police, after the removal of all boots and shoes, in order to effect the arrest of certain members of the Association which had been proclaimed by the Government as an unlawful, who were holding a meeting in the upper storey of the Sri Akal Takhat. The police encountered resistance from a large crowd of Akali Sewadars, and were roughly handled. Although it would then have been possible by the Police some of whom were armed with muskets to have forced an entry into the precincts of the 'Akal Takhat', this course would necessarily have been accomplished by bloodshed, and the authorities accordingly deliberately decided not to enter the 'Akal Takhat' and invited the persons whose arrest was desired to surrender themselves. This they eventually did.

Copies for information to Army Department
and D.B.I. and D.P.I.

J. Crerar

14/1

A draft telegram to the Secretary of State is
submitted. Issue as slightly modified.

(Sd.) Illegible

19-1-1924.

Document No. 7

Copy of Telegram to the Secy. of State
No. D-70 (Pol.), Dated 15th January, 1924.

From—The Viceroy (Home Deptt.), Delhi.

To—The Secretary of State London. No. D/70- Pol.
Dated 15-1-1924.

We report the following for your information.

On 7th instant Supdt. Police Amritsar, acting under the orders of Punjab Government, entered precincts of 'DARBAR SAHIB' AMRITSAR with Police force after removal of all boots & shoes, in order to arrest members of Shiromani Gurdwara Parbandhak Committee who were holding a meeting in the 'Akal Takhat', first meeting since its proclamation as an Unlawful Association. Police numbering about one hundred some with muskets encountered resistance from large crowd of Akali Sewadars and were roughly handled. Forcible entry into 'Akal Takhat' was not attempted as this would have necessarily resulted in bloodshed. Members of the Committee present were called upon to surrender and eventually they did so, 62 arrests being made. Arrested persons have been confined in local Jail and action is being taken under Criminal Law Amendment Act. City is reported quiet and city people are generally not in sympathy with Akalis. Procession held on 8th instant excited little interest.

Document No. 8
TELEGRAM

Received—Delhi 19th January, 1924 Home
Deptt. dated 21/1, File No. 235/
Political, dated 19th 1-3 Hours.

To Home Delhi. 19C. Search was made this morning for documents in office of Parbandhak Committee in Amritsar and was satisfactorily carried out but slight scuffle took place in which coat of Supdt. of Police was torn. No other harm done—
PUNJAB.

Part II

JUDGEMENT

Crown Versus Karam Singh, etc.—Accused Under Section 17(2), Act XIV of 1908.

This is an important case arising out of the unlawful activities of the well-known Akali organisation called the Shiromani Gurdwara Parbandhak Committee. By Punjab Government Notification No. 23772, dated 12th October 1923, this body was declared to be an unlawful association, within the meaning of Section 15 of Act, 1908, but since the date of notification, it appears that this body had been persistently defying the provisions of the Act above named.

The present case is one under Section 17(2) Act XIV of 1908 and the names of the accused as sent up by the Police are as follows :

1. S. Karam Singh ; 2. Chanan Singh ; 3. Sucha Singh, 4. Sher Singh ; 5. Inder Singh ; 6. Saudagar Singh ; 7. Sohan Singh ; 8. Lakha Singh ; 9. Hira Singh ; 10. Bawa Singh ; 11. Jawala Singh ; 12. Inder Singh ; 13. Fauja Singh ; 14. Amar Singh ; 15. Bhai Mohan Singh Vaid ; 16. Dr. Bhagwan Singh ; 17. Sunder Singh ; 18. Mul Singh ; 19. Rattan Singh Azad ; 20. Jawahar Singh ; 21. Master Sujan Singh ; 22. Sohan Singh ; 23. Dharam Singh ; 24. Man Singh ; 25. Jamadar Sahib Singh ; 26. Harnam Singh ; 27. Jai Singh ; 28. S. Jagat Singh ; 29. S. Raja Singh ; 30. Jawand Singh ; 31. Balwant Singh ; 32. Bhai Mehtab Singh ; 33. Diwan Singh ;

34. Bhai Gayan Singh; 35. Bhagat Duna Singh; 36. Kishan Singh; 37. Teja Singh; 38. Gurbux Singh; 39. Gyani Sunder Singh; 40. Gyani Battan Singh; 41. Partap Singh; 42. Gyan Singh; 43. Bhagat Singh; 44. S. Nirmal Singh; 45. Gurdial Singh; 46. Harnam Singh; 47. S. Joginder Singh; 48. Ranbir Singh; 49. Kartar Singh; 50. Surta Singh; 51. Jalwant Singh; 52. S. Hukam Singh; 53. Gyan Singh; 54. S. Autar Singh; 55. Narinjan Singh Tansen; 56. Waryam Singh; 57. Bhai Amrik Singh; 58. Bhai Asa Singh; 59. Jai Singh; 60. Lehna Singh; 61. Jamadar Sadhu Singh.

Out of these Rattan Singh Azad and Narinjan Singh Tansen, were discharged by my order dated 22-1-1924, in consequence of withdrawal made by the prosecution. The prosecution case so far as the remaining accused are concerned, is as follows :—

That the Police received information that a general meeting of the S.G.P.C. was fixed for 7-1-24 at Akal Takhat. As the meeting was to be held in contravention of the provisions of Act XIV of 1908, M.R.C. Jeffreys, Superintendent of Police accompanied by S. Gulam Hussain, A.D.M., Sardar Gurdial Singh, E.A.C, and other Police officers and men went and appeared in front of the Akal Takhat at about 2-15 P.M. on the above mentioned date at a time when the general meeting was in progress on the upper storey of the Akal Takhat. They wanted to go up for making arrests but could not do so on account of the resistance and rough handling that they received at the hands of Akalis present below. As in the opinion of the Superintendent of police no arrests could be effected, without resort to bloodshed, he on consultation with the Deputy Commissioner who had by that time appeared on the scene accepted the suggestion made by the Akalis to withdraw the police to a certain distance outside the Temple premises when he was assured that the persons wanted would surrender themselves. Shortly

after the withdrawal S. Jodh Singh M.L.C. came up and on behalf of the Akalis held certain suggestions with the authorities. Eventually as a result of these negotiations all the present accused as well as those already discharged offered themselves for arrest.

It is undoubtedly proved by a copy of the Notification No. 23772, dated 12-10-23 (Ex. P/A) produced by K.S. Sh. Faqirullah, P.W.1. that the S.G.P.C. had been declared by Govt. as unlawful association under section 15, Act XIV of 1908. The chief points for determination in the case are as follows :

No. 1. Was a general meeting of the members of the S.G.P.C. held at the Akal Takhat on 7-1-24 ?

No. 2. Did the accused take part in the meeting ?

No. 3. What offences are the accused guilty of ?

Before dealing with these points, I would like to simplify matters by explaining the nature and legal aspect of certain documents put in by the prosecution Ex. P/C is a set of communiques Nos. 588 and 589 and Ex. P/D another set of the same kind, containing communiques Nos. 589, 590-593 officially issued by the S.G.P.C. purporting to have been signed by one Tara Singh for General Secretary of that body. They are cyclo-styled copies in English character. Ex. P/C is dated 7-1-1924. (The date on which the alleged general meeting took place at Akal Takhat) and Ex. P/D., dated 8-1-1924. These both were recovered as a result of a search of the office of the Amritsar Vernacular Urdu Daily, Vakil held on 9-1-1924, as is proved by the statement of S. Abdul Karim (P.W. 3), the Editor of the said paper. This witness describes the circumstances under which they came in the Vakil office. It appears that the S.G.P.C.

who had been regularly issuing such communiques against law and have been doing so secretly under cover of darkness and Sh. Abdul Karim positively declared that such communiques used to be present in the letter box of the Vakil office every morning. Such was also the case with the communiques contained in Ex. P/C and P/D. Communiques Nos. 588 and 593 are important documents No. 588 gives the full account of the general meeting held on 7-1-1924 and describes all the incidents connected with the arrival of the Police, the negotiations subsequently held, and the surrender of the accused. Communique No. 593 gives a full list of the resolutions passed at the meeting. Both the communiques taken together furnish authoritative statement of all matters relating to the present charge and I think it necessary to reproduce these here. Communique No. 588 runs as follows :

Arrests of 62 members of the S.G.P.C. Press Communique No. 588. Today at 1 P.M. the session of the General Meeting of the S.G.P.C. started on the 2nd storey of the Sri Akal Takhat Sahib. An hour had scarcely elapsed when news reached the Committee that the Police were preparing at their headquarters at Kotwali in the city to march to Sri Akal Takhat Sahib to arrest indiscriminately all who would be present in the Committee. As the terms of reference of the Committee were of an important nature it was decided not to talk about the coming of the Police and to vigorously proceed in executing the business before them. The Committee had not yet finished one-quarter of their work when the Police were reported to have reached the Akal Takhat. As is customary from the times of the Gurus, no one with uniform on can enter the Akal Takhat and no one who is not regularly baptised is allowed to place a step on the platform of the throne or to ascend the stairs. The Police and the Military who were headed by the Superintendent of Police and

two other British Officers were advised by some gentlemen present that they should not attempt to enter the Akal Takhat. The Superintendent of Police however paid no heed to this advice and ordered his force (Police and Military) to break through the entrance through force. On this order being given by the Superintendent the Akalis who in the meanwhile had gathered there in sufficient numbers formed into a solid wall and occupied the entrance to the Sri Akal Takhat Sahib. The Superintendent and his party tried their level best to break through the Akalis but were pushed backwards by the Akalis. On the police trying again and again to ascend the Akal Takhat Sahib they were told that so long as there was one Sikh child alive in Amritsar at the moment no unbaptised persons could be permitted to violate this custom. It will be interesting to note that when the Akalis were busy with the police on the entrance of the Shri Akal Takhat the Committee remained busily engaged in transacting the agenda before them. The police were thus in an unsettled state of mind and did not know what to do. S. Jodh Singh, M. A., appeared on the scene and explained to the Superintendent of Police that it was impossible for them to enter Sri Akal Takhat and that as the members of the S.G.P.C. would not at all shirk from arrest, it was best that the authorities submit the list of the names of the members they wish to arrest which he would present to the Committee assembling for surrendering the persons, if present, to the police. The authorities seeing no other alternative possible, yielded to hand over the list to S. Jodh Singh. Just when this talk was going on between S. Jodh Singh and the authorities the latter were told by the secretary of the local Gurdwara Committee to clear out of the premises of the Sri Darbar Sahib as they were in uniform. The Superintendent and his party agreed and took their stand in front of Gurdwara Thara

Sahib with their back towards the Gurdwara. It has been mentioned above that the authorities gave the list of persons they wished to arrest. The list was read out before the Committee and those who were wanted by the police came down from the upper storey to be arrested. The authorities in the meanwhile had left Thara Sahib and went to Clock Tower to await the coming of the members. It was about 6 o'clock when the members after finishing their work calmly came down from the Sri Akal Takhat Sahib and standing before it, implored the help of the Great Sat Guru for whose cause they were going to Jail. And then follows the list of persons arrested. Communique No. 593 is as follows :

Press Communique No. 593

The following resolutions were passed by the General Committee of the S. G. P. C. held on 7-1-1924 :

1. Whereas the S.G.P.C. is the supreme religious assembly composed of representatives elected by the whole Sikh Community, in consonance with the injunction of the Sikh Panth, whereas the said committee being invested with all the Executive powers to protect and advance the cause of the Sikh faith has been peacefully carrying on religious reforms, whereas the Shiromani Akali Dal has been rendering voluntary services to the said Committee to save the honour of their religion, this assembly most emphatically condemns the arbitrary and high-handed measure "the declaration of the said two bodies as unlawful associations and deprecates this autocratication of the Government as a reckless interference with the unvoilable religious rights of the Indian citizens in utter violation of the proclamation of 1858 and repudiate this direct challenge to the whole nation to the exercise of the universal civic right of the formation of association."

2. This Committee appreciates with great satisfaction the noble sacrifices rendered by the members of the S.G.P.C. and of Shiromani Akali Dal, who have suffered arrests, imprisonments and deaths and congratulates them for the sterling services to the Panth.

3. Whereas the Bureaucracy has by stopping the Akhand Path at Jaito inflicted the greatest insult and irreparable injuries on the Sikh Panth and perpetrated ruthless religious crimes, whereas the Sikh Panth has resolved the restart and complete 101 Akhand Paths to atone for the sacrilege done to their Guru, whereas the Jathas daily reaching Jaiton to fulfil the holy mission are being most brutally treated by the callous and wantonly insolvent officials at Nabha at the instance of the responsible Government Officials this committee failing to tolerate any longer the continued deprecations of their religious rights, empowers the Executive Committee to take all possible steps to effectively deal with the situation and save the honour of the Sikh Religion.

4. This Committee heartily congratulates all the Akali brethren.

5. This Committee fully endorses the actions of previous Executive Committee and solemnly enjoins the present incumbent body to carry out most enthusiastically the policy as chalked out by them.

6. This committee approves of and confirms the proceedings of the present Executive Committee.

7. Whereas the Superintendent of Police, Amritsar, with his posse of police and.....”

In relation to these communiques the following points arise :

(a) Whether the copies produced constitute primary evidence of the documents and if not, whether they are admissible as secondary evidence.

(b) Whether the statements contained in the two communiques can be proved against the accused.

(c) Whether these communiques are proved to have proceeded from the S G.P.C.

As regards (a) it is clear to my mind that copies of the documents produced are themselves primary evidence within the meaning of Section 62 (Ex.2) in as much as those which are produced by the process of cyclo-styling which is only a branch of lithography referred to in the above explanation. There is no allegation to the effect that the cyclo-styled copies are reproduction of some common original, and the presence of no such original seems be necessary for the process of cyclostyling. Under these circumstances I cannot presume that any common original was in existence; but this point does not seem to be very material, for if there was any original in existence, the copies produced are sufficient evidence thereof under section 65 of the I.E. Act as the original clearly must be in the possession of the adverse party.

(b) The next point also appears to be simple enough. The Communiques were issued by the General Secretary and were signed for him by Tara Singh. Tara Singh was summoned as a witness but no such person could be found. The name of the Secretary is not disclosed in the communique, and any search for him would have been a fruitless waste of time. It cannot be denied that the communiques were issued by the General Secretary in the course of professional business as such communiques are regularly issued as is shown by the number which they bear. It is also a fact that the statement of facts contained in communiques No. 588 and 593

would expose the General Secretary to Criminal prosecution under Act XIV of 1908. Under these circumstances it is clear that these communiques are themselves relevant facts and can be proved as provided for in Section 32, clause 2 and 3 of the I.E. Act.

As regards (c) it is true that there is no direct evidence to show that the communiques in question were issued by the S.G.P.C. and under the circumstance it would not be otherwise. The Committee has been declared to be an unlawful association and the issuing of any communiques is an offence under the Criminal Law. The work of issuing such communiques is, therefore, being done very secretly. Fortunately, however, direct evidence is not the only kind of evidence on which the Courts can rely. There is an other kind of evidence namely, circumstantial, which is some-times more reliable than direct evidence, as it has been rightly said that circumstances do not lie, of this kind of evidence there abundant in this case. Firstly these communiques reached the office of the Vakil in the same manner and after going through the same routine as other previous communiques of the S.G.P.C. (Vide statement of S. Abdul Karim, P.W. 3). Secondly long after the date of the present occurrence, i.e. on the 19th of January 1924, a search of the office of the S.G.P.C. was made and among other papers which were recovered was an agenda (Ex.P.L) of the meeting held on 7th January. The resolutions published in the communique No.593 are substantially in agreement with this agenda on principal items. It may be noted that this agenda is in "Gurmukhi characters," and its heading as originally drafted shows that it relates to the general meeting held on 7-1-1924. Subsequently it appears that the 6th was substituted for 7-1-1924 and the words Kakka, Sassa, (Karaj Sadaq) meaning 'executive' were substituted for the word general. These alterations are a pure forgery as proved by the

internal evidence itself. Item No. 4 in the agenda contains a proposal for the delegation of full powers by the General Committee to the Executive Committee in relation to the resumption of Akhand Path at Jaito and to the Jathas going there. Surely such a proposal could not be meant for the consideration of anybody except the General Committee. This agenda, therefore, clearly relates to the General Meeting held on 7-1-1924. Thirdly the communiques in question bear a definite serial number as and are part and parcel of a series of communiques from time to time issued by the Committee and these communiques bear the same number as have been produced by the defence. Fourthly, it appears from the sole-testimony of S.I. Sewa Singh (P.W. 14), Ch. Bhagat Singh (P.W. 15), Mansa Ram (P.W. 16) that the copies of the communiques in question in English and Gurmukhi were found pasted not only at different places in the city and the Clock Tower but at the very office of the S.G.P.C. In the absence of any disclaimer it necessarily follows that the communiques in question were duly authorised by the S.G.P.C. It may be urged that such disclaimer could not be produced on account of the non-cooperation professed by the accused but this sort of tactic can receive no judicial recognition. Moreover the non-cooperation followed by the accused during the trial has been merely a matter of convenient device to avoid any admission and not a consistent policy directed by the movement with which they seek to identify themselves. They have been cross-examining the witnesses of the prosecution and been getting them produce documents on which they rely. I, therefore, feel no hesitation in holding that the communiques have been amply proved to have been issued under the authority of the S.G.P.C.

Having now explained how communiques No. 588 and 593 constitute a valuable piece of evidence

in the present trial, I turn to the main issues involved in the case. The first question is whether the general meeting of S.G.P.C. was in fact held on 7-1-24. In this connection it seems to be necessary to briefly review the incident which occurred in front of the Akal Takhat when the Superintendent of Police went there. Their intention, of course, was to go straight to the meeting place and catch the accused red-handed and in doing so they were quite within their powers under C.P.C. But the entry was forcibly resisted by the followers of the Parbandhak Committee. In fact the place had been intentionally picketted by the Committee, in as much as, it appears from the communique No. 588 that they had received previous intimation of the coming of the police. To avoid bloodshed, however the police withdrew from the place after receiving assurance that the accused would surrender themselves. At this stage S. Jodh Singh (P.W. 11), a nominee of the S.G.P.C., member of the Punjab Legislative Council, appeared on the scene and sought to intervene. He asked the authorities to give him a list of men wanted, a demand which seems to be astonishing. In view of the secret manner in which the meeting was held it was impossible for the authorities to be acquainted with names of those who were present at the Akal Takhat. However, the Officers present arose to the occasion and furnished him tick-marked list (Ex. P/T) containing the names of the elected and nominated members of the S.G.P.C. With this list S. Jodh Singh went to the meeting place at about 3 P.M. and did not return. The chit (Ev. P/F) in the hand writing of S. Ghulam Husain, A.D.M. (P.W. 4) was then sent to him asking him as to how long he would take. To this he sent the following reply which is admitted in his own hand-writing. "I have just finished calling attendance. They are coming down. I am simply checking." Two more slips

were sent to him, the last being at 6 P.M. but with no response. Eventually at 7 P.M. the promise of surrender was brought about. It would thus be seen that the disallowance of the police in the meeting room resulted in two disadvantages to the prosecution, namely, that it deprived them of a chance of securing eye witnesses of the meeting and left them at the mercy of the Committee's own men, S. Jodh Singh, the value of whose testimony I will explain presently, deprived them of an opportunity to lay their hands upon all the persons who took part in the meeting. Practically S. Jodh Singh is the only eye witness produced in the case on the point. He is an ex-member of S.G.P.C. himself and his resignation was only due to a technical rule, framed by the S.G.P.C. that candidates for election to the council would no longer remain on the committee. He has also been and probably continues to be the religious adviser of this unlawful association. A Master of Arts as he is, he has been a principal of the Khalsa College at Gujranwala for some time. He has also held eminent positions in the various other social and educational institutions. From a man of such qualifications one would naturally expect a straight forward and true statement of facts and nothing else. But I must confess that on this point I have met with great disappointment. He tried to forget what is expected from an intelligent man like him to remember. He has all along tried to shield the accused by denying the identity of almost all of them and asked me to believe that none of the accused was known to him as member of the Gurdwara Parbandhak Committee. He has tried to impress that he was sent to the meeting place as a mere messenger, but he forgets that it was his social position that induced the authorities to utilise his services, as a helper and a possible witness to the affairs. He further unnecessarily tries to explain away his writing in reply to (Ex.P/F) in which

he admitted that he was calling attendance by saying that he was merely calling out names. To top all, in cross-examination he directly said that no meeting was being held. On this point he has been directly contradicted by the S.G.P.C. Communique No. 588 reproduced above which shows that not only a meeting was held but it continued to be held till 6 P.M. This seems to be a true version of what took place for otherwise about 3 hours of stay of S. Jodh Singh at the meeting remains un-explainable. A further corroboration of this will be found in communique No. 593 which contains a full list of the resolutions passed at the meeting contained in the agenda P/L which was prepared for the meeting. This notice of the meeting was circulated by the Associated Press, see statement of L. Gurbux Rai Sethi (P.W. 2) and a similar notice appearing in (Ex. P/H/4) paper Akali te Pardesi, Dated 28th December. I have, therefore, no hesitation in holding that a meeting of the S.G.P.C. was held at the time and the place suggested by the prosecution.

As regards the participation of the accused in the meeting in view of the statement made by S. Ghulam Hussain and S. Gurdial Singh (P. W. 4 and 5), I felt great doubt about the guilt of S. Nirmal Singh and have discharged him already. As regards Sunder Singh of Verka, I am also doubtful, in view of the statement made by S. I. Kh. Zulfikar Khan (P. W. 17.) I have tried to get correct information as to its particulars from communique No. 588 and the list (Ex. P/4) which was given to the authorities by S. Jodh Singh and the list given in the communique No. 588. Moreover these people were taken in custody in consequence of a voluntary act of surrender. Further they are proved to be members of the S.G.P.C. as the results of their election and nominations were duly notified in the issues of the Akali te Pardesi (Ex. P/H, P/H. 1, P/H. 2, P/H.3). In addition the following accused

appear to have signed the register, (P/1) as a token of their having attended the meeting of 7-1-1924. Chanan Singh, Bh. Hira Singh, Bawa Sarup Singh, S. Jwala Singh, Bh. Inder Singh, Bhai Mohan Singh, Dr. Bhagwan Singh, Master Sujan Singh, Bhai Dharam Singh, Bhai Man Singh, Jamadar Sahib Singh, Harnam Singh, S. Jai Singh, S. Jagat Singh, S. Raja Singh, Bhai Jawand Singh, Bhai Balwant Singh, S. Mehtab Singh, Diwan Singh, Bhai Gian Singh, Bhagat Duna Singh, Bhai Kishen Singh, Bhai Teja Singh, S. Gurbux Singh, Gyani Sunder Singh, Gyani Batan Singh, Bhai Partab Singh, B. Gayan Singh, No. 42, Bhai Gurdyal Singh, Bhai Harnam Singh, S. Joginder Singh. Bhai Ranbir Singh Kartar Singh, Bhai Sucha Singh Balwant Singh S. Hukum Singh, Gayan Singh, No 52, S. Autar Singh, Bar-at-Law, S. Waryam Singh, Bhai Amrik Singh, Asa Singh, Jai Singh, Mahant Lehna Singh, Jamadar Sadhu Singh. Name of Sundar Singh could not be traced.

Some of the accused have pleaded not guilty and others have refused to plead. None had made any statement or produced any defence. Having discussed the facts of the case I turn to the law applicable. The choice lies between sections 17(1) and 17(2) of Act 1908. If it were a question merely of taking part in any meeting, held by the unlawful association, the act could be restricted to 17(1) only, but this is not the case here. It was not a public meeting held by the association, but it was a private meeting secretly held at an impregnable place for the purposes of devising means for managing the affairs of the association. A perusal of the resolutions Nos. 3, 5 and 6 embodied in communique No. 593 quoted already clearly shows that the members joined their heads together for coming to a decision for the future management of the association, hence section 17(2) is, therefore, clearly applicable. The accused have taken some

pains to get copies of the government communiques, dated the 15th October out of the prosecution witnesses. They have not argued the case and I do not quite see what their intention was. But if they meant thereby to impress that they were present at the meeting for some religious purposes, they have hopelessly failed. The chief theme of the resolutions contained in communique No. 593 is the Nabha affair, which as the govt. communique itself says, led the Govt. to declare the S.G.P.C. an unlawful association.

For reasons above given I acquit Sunder Singh said to be of Verka and convict the remaining 57 accused under section 17(2), Act XIV of 1908. As regards sentence the accused Bhai Karm Singh, S. Jawala Singh, S. Jai Singh, Bhai Amrik Singh and Jamadar Sadhu Singh are over 55 years of age. I am therefore inclined to take a lenient view in their case, and sentence them to suffer 1 year's simple imprisonment each with a fine of Rs. 500. In default of the payment of fine to suffer three months further simple imprisonment. In the case of remaining accused there are absolutely no extenuating circumstances, while on the other hand it appears that they have been out to breed a spirit of lawlessness in the country and deserve exemplary punishment. I sentence each of them to suffer two years rigorous imprisonment each and a fine of Rs. 500. In default of payment of fine to suffer three months further rigorous imprisonment each. The following accused are men of respectable position. I hold them fit to be considered in the special class: 1. Bawa Sarup Singh, 2. S. Amar Singh, Editor, Loyal Gazette, 3. Bhai Mohan Singh, Vaid, Tarn-Taran, 4. Dr. Bhagwan Singh, 5. Master Sujana Singh, 6. Jamadar Sihib Singh, 7. S. Jagat Singh of Peshawar, 8. S. Raja Singh, Sakil, 9. S. Mehtab Singh of Kohat, 10. Bhagat Duna Singh, 11. S. Gayan Singh of Sialkot, 12. S. Joginder Singh,

Vakil, 13. S. Hukam Singh, Vakil, 14. S. Autar Singh, Bar-at-Law, 15. Bhai Amrik Singh, 16. Jamadar Sadhu Singh.

Order announced.
29th March, 1924.

Sd/-Hardlal Singh
Magistrate, 1st Class,
Amritsar.

From—H.D. Craik, Esquire, C.S.I., I.C.S.,
Chief Secretary to Government of Punjab,
To—The Secretary to the Govt of India,
Home Department, SIMLA.

Dated Lahore, the 2nd May, 1924.

Subject :—Judgement in Criminal Case—Crown
Versus Karam Singh and 60 others,
members of S.G.P. Committee, Amritsar.
Charge under Section 17(2) Cr. Law
Amendment Act, XIV of 1908.

Sir,

I am directed to forward for the information of the Govt. of India a printed copy together with 3 spare copies of the Judgement in the above noted case passed by Sardar Hardial Singh, Magistrate 1st Class, Amritsar, convicting 57 members of the Committee under Section 17(2) Criminal Law Amendment Act, XIV of 1908, and sentencing them to various terms of imprisonment ranging between 1 year simple imprisonment and 2 years rigorous imprisonment with fines of Rs. 500 each. The accused were arrested on account of their participation in the deliberations of the S.G.P. Committee at the Akal Takhat, Amritsar on the 7th January, 1924.

I have the honour to be,
 Sir,
 Your most obedient servant,
 Sd/-
 for Chief Secretary to the
 Govt. of Punjab, A.M.B.

D. 1496—Poll.

Home Department.
 Poll.

Letter from the Govt. of Punjab, No. 1563 S.B.
 Dated the 2nd May, 1924.

For perusal.

The passage marked on page 5—6 of the Judge-
 ment regarding the evidence of Sardar Jodh Singh
 may be read.

Send copy with a copy of this note to P.S.V.
 Sd./-J. Crerar.
 3-5-1924.

P.S.V.

3-5-24.

P.S.V.D. U/O. No. 185 dt/- 7-5-24.

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